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OFFICE OF PETITIONS

In re Application of
Romano Rivolta et al.
Application No. 10/579,904
Filed: May 19, 2006
Attorney Docket No. 026220-00081

ON PETITION

This is a decision on the petition filed January 10, 2008 to withdraw the holding of abandonment, which is being treated under 37 CFR 1.181(b), in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition is **GRANTED**.

This application became abandoned for failure to pay the issue fee on or before November 16, 2007 as was required by the Notice of Allowance mailed August 16, 2007. This application therefore became abandoned on November 19, 2007. Accordingly, a Notice of Abandonment was sent via email notification on December 18, 2007.

The file record discloses that the Notice of Allowance was mailed to the address of record. However, petitioner contends that the Notice of Allowance was not received. In support, petitioner indicates that a search of the file jacket revealed that the Notice was not received and submits copies of pages from the docketing system and the file jacket, wherein receipt of the Notice would have been entered, had it been received to substantiate the claim. The statement and attachments corroborate non-receipt of the Notice of Allowance.

In view of the facts set forth in the petition, it is concluded that the Notice of Allowance was never received. Accordingly, the holding of abandonment is withdrawn. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 1621 for a re-sending of the Notice of Allowance and Notice of Allowability.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
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